The year 2000 saw a mood of despair crystallize in Kenya. The developing sense of unease and loss of social hope as the 1990s unfolded was completely unexpected from the vantage point of the decade’s beginning. At that time most believed that multiparty elections, the comparative freedom to organize, and the enormous expansion of public political discourse and critique would bring a new regime, or substantial reform of the existing one. Few expected that government institutions would continue to decline throughout the decade, that the educational system would weaken drastically, that the public health sector would all but collapse, that the HIV/AIDS infection rate would rise to 13 percent of the sexually active population, that ethnic tensions would escalate, or that corruption would become even more deeply rooted and pervasive. And although externally mandated economic reforms were sometimes criticized, few thought that liberalization of the economy would so closely correlate with economic stagnation and decline, spreading poverty, growing inequality, and infrastructure decay.

The past year saw the sheer weight of the bad news grow to include drought, severe famine jeopardizing the lives of at least 3 million people, power and occasional water rationing, and increasing state repression. The light seemed to literally go out on the promises of the early 1990s.

Many Kenyans have come not only to disparage the inept state, but also fear an increasingly fractious society. Popular anxieties coalesce around violence and “uncivil” behavior that seem to be the political tactic of choice in too many pockets of society. The apparent increase in violence in the wider society has its roots in blocked democratic and economic aspirations and declining hope for a better life.

But there are other proximate causes as well; they build on the political violence associated with episodic state-sanctioned ethnic cleansing in the 1990s, as well as regime-directed, but increasingly privatized, political violence. Among pastoral peoples in northern Kenya, tensions caused by small-arms trafficking aided by wars in neighboring states, local ethnic and political division, and struggles over control of trade and land have brought chronic fighting and loss of life that the government has been unable to curtail, and in some instances has exacerbated (the Kenya Human Rights Commission reports that in the past year more than 500 people have died in violence in the Northern Rift Valley and North Eastern provinces, and more than 200 have died in ethnic clashes across the country). Crime appears to be out of control and frequent vigilante justice clearly indicates the lack of confidence in the police. Indeed, many people believe that the poorly paid police are behind much of the surge in the crime rate, which has led some not to report crime to the police because it is futile, if not dangerous, to do so. About a quarter of Nairobi homes experience a break-in or major theft every year, and there is talk of the frequent car-jackings. Growing poverty and despair may also contribute to an escalation of violence against women—violence that is moving beyond the domestic sphere as indicated by cases of gang attacks by young males on women in their homes and on girls in schools in rural areas.

There is also anxiety about chronic student unrest and its frequent violent character. (The unrest stems from student frustration and anger as students and
parents are expected to pay more for less—that is, fees have increased as the quality of education has decreased.) After becoming accustomed to university unrest and random studentstoning of cars on political, and even nonpolitical, occasions people have also grown used to frequent secondary student strikes. But in June 2000 the completely unexpected happened in Nairobi when primary school students in Dandora learned that a classmate had been killed by a taxi at an intersection where several accidents had previously occurred, despite local attempts to improve the safety of the intersection. The students, later joined by others, rampaged for eight hours, overturned a beer truck, drank beer, stoned passing cars, and caused considerable property damage. The next day, Nairobi City Council personnel were sent to properly mark the street and place a speed bump in the road to slow traffic.

The cynical lesson that some people took from the event was that only tragedy and extreme action can evoke a government response. The event also suggests that a series of interrelated problems feed and exacerbate each other. State ineffectiveness leads to economic decline and a further decay of state institutions, which encourages more corruption and growing poverty. These, in turn, create a climate of social unease and anger, prompting a decline in investment, a further weakened economy, and so on. The obvious question is: What will break the vicious cycle and stem the decline, if not turn the situation around? Most Kenyans argue that, while specific economic policies require debate, the reform path must include a strong component of better governance.

**An Economy in Decline**

Data from the government’s *Economic Survey* 2000 and the Central Bank indicate an economy in decline. GDP slid from 1.8 percent in 1998 to 1.4 percent in 1999 and then to negative 0.4 percent in 2000, part of a steady annual decline from the high point of 4.8 percent in 1995. Although inflation held at a low 3.5 percent, it is expected to increase as a by-product of higher production costs. Investment declined 4.5 percent in 1999 and real output growth in agriculture declined from 1.5 percent in 1998 to negative 0.4 percent in 2000, although some recovery is expected in the second half of 2001. Manufacturing also fell in 2000, with an average growth rate of negative 0.3 percent.

The sustained poor economic performance contributed to deepening poverty among the population, which has nearly doubled to 30 million since 1979. The government’s *Economic Survey* put the overall national poverty level at 56.5 percent in 1997. Urban poverty increased an extraordinary 20.3 percent from 1994 to 1997. Kenya’s income inequality is the fourth-worst in the world after Guatemala, South Africa, and Brazil, with the top 10 percent capturing about 48 percent of the nation’s income.

The mood of despair was lifted somewhat with the apparent financial return of the IMF (in 1997 the government failed to meet certain conditions). But that aid is now only likely because the Moi government has, for the moment, again failed to meet some IMF conditions. In late June 2000 the fund announced a $198-million credit to be dispersed over a three-year period. This credit was expected to unleash about $500 million in foreign-donor money that has languished for three years, waiting for the IMF seal of approval. The approval would also allow Kenya to reschedule its external debt payments. Two weeks after the IMF announcement, the World Bank announced a $150-million credit of fast-dispersing aid for budget support, to be disbursed under strict performance criteria.

The IMF conditions, however, have drawn the most attention. The package of reportedly 60 conditions was among the most stringent ever imposed on an African country. They included a law requiring public officials to declare the assets and liabilities of themselves and family members; weekly examinations of Central Bank accounts by IMF officials; shifting supervision of ministry spending from the office of the president to trained financial officers; submission to the IMF of monthly records of any new external borrowing; submission of monthly figures on domestic budget financing; and implementation of an anticorruption and economic crimes bill that would include provisions to strengthen the Kenya Anti-Corruption Authority and make it more independent of government.

In early 2001 the economic crimes bill was sidelined by parliament. That and a High Court decision that the Kenya Anti-Corruption Authority was unconstitutional led the IMF and the World Bank to suspend disbursement of credit. This also affects bilateral aid and, most likely, debt rescheduling, and was met with extraordinary hostility from Moi and others in the regime. But then Moi adopted a
friendlier tone and a meeting was held with the heads of the fund and bank, the results of which have not been announced, although a review is expected in May. Meanwhile the credit suspension leaves the government facing a budgetary crisis that has already left parts of the bureaucracy virtually shut down.

The IMF conditions are sweeping and highly intrusive, make a mockery of sovereignty, and undermine any pretense of national—let alone democratic—determination of economic policy. But despite the national humiliation that is voiced in newspapers, magazines, and conversation, Kenyan observers express surprisingly widespread agreement that the credit is needed and imposed conditionalities are inevitable; first, because the regime’s poor governance record and rampant corruption brought the economy to the edge of an abyss, and second, because the government’s consistent pattern of foot dragging and reneging on agreements occurred before the IMF’s departure in July 1997. No one expects a major turnaround of the economy with the return of the IMF; the hope is that the decline may be stemmed.

POLITICAL UNCERTAINTY

Recent Kenyan history suggests that, once aid is on its way, the regime no longer believes it must be on good political behavior. This attitude emerged right on schedule in the immediate aftermath of the announcement of the IMF’s return. Two regional assemblies convened by the National Convention Executive Council (NCEC)—a collection of civil society organizations working for constitutional reform—were violently broken up, as were rallies by opposition leader Mwai Kibaki and those of Kenya African National Union (KANU) party dissidents in the parts of the Rift Valley that the president considers his stronghold. In August 2000 an American Roman Catholic priest, Father John Kaiser, a 30-year resident of Kenya and a thorn in the side of the regime regarding ethnic cleansing, land grabbing, and alleged rapes of young women by top politicians, was assassinated, and investigations have yielded no results. Several rallies led by James Orengo of Muungano wa Mageuzi (Peoples Movement for Change) have been prevented or broken up in the past year, and a recent by-election in Kisii, although won by an opposition candidate, was marked by violence, with the victor attacked and hospitalized. The regime has apparently settled on a path of illegal, but routine, repression leading up to the election.

The general mood of despair is in part due to the political uncertainty of the presidential transition and the lack of clear and plausible purpose in both Kenya’s regime and opposition politics. In other words, Kenya’s mounting problems appear to be greater than the political will to deal with them. The outcome of the succession struggle within KANU remains obscure; Moi only belatedly reappointed George Saitoti as vice president after leaving the post vacant for a year following the 1997 election. Saitoti, despite his alleged corruption and his apparent falling out with former ally and Moi confidant Nicholas Biwott, minister of tourism, trade, and industry, has the asset of mixed ethnic parentage, allowing him the opportunity to redefine his identity from Maasai toward Kikuyu to gain some support of Kikuyu ethnic cohorts. KANU strategy appears to require the party’s presidential candidate to win the west—Rift Valley, Nyanza, and Western provinces—along with Coast and North Eastern provinces, and to make a strong showing in Eastern province. It is likely that Moi will choose one of three candidates as vice president: Saitoti from Rift Valley; the dominant Luo leader, Raila Odinga, from Nyanza and the National Development Party (now allied with KANU); or the prominent Luhya leader, Musalia Mudavadi, the current minister of transportation and communication. If one of these men is indeed selected, the “losing” provinces and ethnic categories may not vote KANU in the election. There are no guarantees, and Moi and KANU are walking a tightrope.

Moi has declared several times that he will step down, but he has also sent contradictory messages. Several of his associates, who may not have much of a political future without him, frequently speak of the need for Moi to remain. The climate of succession uncertainty is no doubt well crafted to keep everyone off balance at a time when KANU is severely divided and Moi’s heretofore total control of the party is less certain. Cultivating a climate of uncertainty prompts sentiment that he stay on to stave off chaos, but legal maneuvers to do so are convoluted and uncertain.

A “CHANGE OF HEART”?

Some of the political uncertainty of the moment is also due to stalled constitutional reform efforts. In 1997, during the run-up to elections at the end of the year, civil society organizations led an increasingly effective popular mobilization for constitutional change. The political opposition followed the lead of civil society, and the combination was crucial in bringing out people for Saba Saba Day demonstrations on July 7, 1997, which were crushed by the police, with at least 13 deaths
reported. Agitation for constitutional reform and subsequent government-sanctioned ethnic clashes along the coast in which more than 70 people died and tens of thousands were displaced brought Kenya to the brink of a political meltdown and the regime to the bargaining table.

The regime gave considerable ground to reform demands, but the Inter-Parties Parliamentary Group (IPPG) agreement that was negotiated also undermined the constitutional reform movement and marginalized civil society leaders who led the battle and won the support of the political opposition. Meanwhile, the regime received donor support for its “change of heart.” The IPPG agreement divided many opposition politicians from civil society activists. The activists believed that they finally had the regime against the wall, but the politicians, rather than demand more comprehensive constitutional change, settled instead for modest progress and a process for negotiating comprehensive reform.

The president signed the legislation but later ignored it when he decided that he could not effectively control the constitutional reform process and instead brought the issue to parliament, which is more controllable. Raila Odinga was selected to chair a parliamentary constitutional reform committee.

Moi’s turnabout resulted in the so-called establishment churches coalescing around the Ufungamano initiative, a faith-based effort that also incorporates civil society reform activists. Whether the parliamentary and Ufungamano groups would come together was unclear until November 2000, when Professor Yash Pal Ghai, a Kenyan and well-known international lawyer, was appointed to head the Constitution Review Commission. Ghai refused to be sworn in by the president without bringing together the parliamentary and Ufungamano groups. In March 2001 an agreement was negotiated but not without a serious rift within the reform ranks. A broadly inclusive National Constitutional Conference and national referendum is expected. It remains unclear whether a new constitution will be written in time for the next election.

**Divided it Falls**

The political opposition is divided by personal antipathies, but more seriously by ethnically based leaders and parties lacking internal democracy and policy definition. Midlevel and even top politicians have little party loyalty and, before the last election, leapt from party to party to secure nominations for parliament or local councilor positions. With only a few exceptions, the opposition has failed to gain popular trust and support beyond its respective regional home bases.

Although many among the middle class look forward to Moi’s departure and expect a less corrupt post-Moi regime, relatively few expect a substantially different pattern of rule outside the dominant postindependence pattern of ethnically based patronage rule. The major opposition candidates are Mwai Kibaki, leader of the Democratic Party and a Kikuyu, and Simeon Nyachae, from the smaller Kisii ethnic community, a former finance minister and onetime head of the civil service, now a KANU backbencher and a critic of Moi who will likely have to leave KANU to run for the presidency.

These and other candidates have difficulty putting forward scenarios with themselves as victors unless the opposition unifies around a single candidate. In the run-up to the 1992 and 1997 multiparty elections, negotiations for unity took place up to the last hour, but unity never materialized. This time negotiations also are under way, but if history is any guide it will be an uphill battle because opposition leaders double as ethnic spokespersons and link that leadership with having a chance at the presidency. If they should stand down in favor of another in a unity move, they risk losing credibility with their followers. Meanwhile the regime has been adept at sowing seeds of division within the opposition through a variety of carrot-and-stick tactics. The result is an unstable array of forces that breeds a chronic suspicion that things are never what they appear.

A concrete attempt at governance reform came by a circuitous route. In early 1999 the regime evidently contacted the World Bank and its chairman, James Wolfenson, and began discussions about how to regain donor aid. The initiative may have come from Richard Leakey and/or Charles Njonjo, both historically at odds with the president but plugged into donor circles, who brought the proposal to Moi. The idea was to bring in a team of technocrats from positions in the World Bank and Kenya’s private sector with a mandate to attract donor money and get the bureaucracy working again.

Leakey was appointed secretary to the cabinet and head of the civil service in mid-1999. After two years Leakey and his cohorts could claim some success. Their accomplishments included elimination of a number of major rent-seeking opportunities at the Mombasa port, improvement in railway and post office services, dismissal of a few allegedly corrupt and ineffective heads of parastatals, and the implementation of reform measures in the distressed spheres of tea and coffee production and marketing.

The progress was limited, however, and the prospect of a handful of civil servants, less carefully handpicked by the president than imposed on him,
making a reluctant government work again over the long haul, was a millennial expectation. Although the private sector was pleased with the initiative, the team's special status and high remuneration set it apart from the rest of the bureaucracy, creating jealousy and limiting the spread effect of initiatives from the team. It was also clear that individuals close to the regime and those opposed to it—the former because their interests were threatened, the latter because it thought the team only provided a veneer of legitimacy to Moi's regime—left the team's political base narrow and weak.

In March 2001 Moi dismissed Leakey and most of his technocrat team when it appeared that IMF credit and World Bank loans were likely to return (although they are still under review). But the governance reform agenda is now in jeopardy. Within 24 hours of Leakey's departure it was announced that negotiations would reopen with a losing bidder in the privatization of 49 percent of the shares of Telkom, the telephone company; the new head of the privatization exercise is the daughter of Moi's confidant Nicholas Biwott. About a week later the head of the Central Bank since 1993, Micah Cheserem, generally considered a reformer, was dismissed rather unceremoniously a few months in advance of the end of his contract.

THE FACES OF CIVIL SOCIETY

The global discourse on democracy in the early 1990s placed a considerable burden on civil society (usually referring only to largely urban, formal, and middle-class-led organizations—a small percentage of the total) to make states more accountable to their citizens. In Kenya the idea was embraced most strongly by donors, but much of the Kenyan middle class shared that expectation. Civil society was to be part of a new institutional apparatus that would prod and discipline regimes to be more effective and accountable to their populations, less corrupt, and better regulators and managers of their economies. In market language, civil society “demand” would rise and government “supply” would respond. While the time horizon may be too short for an assessment, returns from the 1990s are quite modest. In fact, the striking rise in the number of formal civil society organizations, and the growing capacity of some of them, correlates with declining state capacity and growing corruption, while only small advances have been made in the realm of transparency and accountability. In other words, civil society has demanded, but government has not been very forthcoming with supply.

The 1990s has seen a numerically expanded, if externally financially dependent, civil society sector organized within and across social classes for a vast number of purposes that range from prayer groups to high-level business associations. Aside from protection of their collective existence and a modicum of autonomy from the state, little unites them. Not surprisingly the heterogeneity of the sector means that civil society's relations with government are constantly changing and contradictory, including occasional harassment and threats, but some changes are positive. The 1990s has seen the government lose whatever pretense it had of monopolizing the realm of ideas. The relative freeing of the press, coupled with growing immersion in global discourse, has brought considerable criticism of government. After years of shouting across the divide between government and civil society, critical cooperation is slowly growing—at least in some arenas.

The nature of civil society organization has also changed with the rise in recent years of agricultural commodity-based protest—protest that is usually, but not always, localized, but that is centered around most major commodities, including coffee, tea, sugar, milk, and rice. The rise in popular protest is directly related to the poor state of the agricultural sector. Infrastructure is decaying while inefficient and often corrupt state marketing and provisioning structures have atrophied, amounting to a major tax on producers. Crop-based protest puts a somewhat new face on civil society because it is rural rather than urban, material- and market-based rather than primarily service- or rights-based, mass-based rather than professional- and middle-class-based, and deeply rooted in local politics and close to politicians (who cannot ignore the protests and sometimes lead them) as opposed to urban groups that frequently operate at one remove from politicians.

The spontaneous action of these new organizations, and the leverage that mass-based protest has around key commodities that dominate certain regional rural economies, have yielded responses from government greatly desired by some urban groups. These groups have immediate complaints directly affecting livelihoods, and their visceral actions have often been to simply “throw the rascals out”—sometimes physically. But that kind of action is likely to provide only short-term relief at best, and may indicate a limited popular understanding of the broad structural features of certain crop economies. The possibility of urban civil society organizations, with their civic education techniques, providing independent education to producers regarding the political economies of particular commodities, may be a way for urban and rural civil society to link in a new synergy.

Civil society is also likely to be the site of growing
social movements that address the failure of hope. Many community-based organizations in poor and middle-class communities have risen and compiled records of real accomplishment in response to the failure of national and local government to provide basic services.

Perhaps the most significant social movement is Mungiki, an organization with somewhat uncertain origins, objectives, and impact. The movement is less immediately political than culturally focused and rooted primarily in Kikuyu-dominated towns and in Nairobi. It calls for the return of Kikuyu culture as the only means of regaining historical strength and delivering society from the debilitating clutches of Westernization, Christianity, and a hostile regime. Although membership size is unclear—estimates vary from several thousand to a few hundred thousand—the movement appears to be growing, which has prompted calls by some churches for an investigation into its implications for the church. Some politicians refuse to condemn Mungiki, despite their personal unease with it, because movement members and sympathizers bulk large in certain constituencies and could be an important political factor in the coming elections in Kikuyu-dominated areas. While Mungiki's overt political claims are few, this may change, and the fact that the regime has defined the group as violent and has attacked its meetings with occasional loss of life suggests that the movement will have to be increasingly concerned with security.

The prospects for change

The 1990s saw a great deal of positive political change in Kenya—most notably, relative freedom of speech and organization, regular multiparty elections, an expanding number and kind of civil society organizations, intensifying anticorruption and prodemocracy discourses with some recent modest returns, demands for constitutional change, and more comfortable relations between the state and civil society in some arenas. But almost counter-intuitively, the regime has shrunk into something of a corrupt and hollow shell, poverty and inequality are growing, and physical and social service infrastructure is declining, all of which manifests itself in a mood of despair. And as the 2002 election begins to loom, echoes of the repression of the one-party era have begun to be felt.

The apparent anomaly of political opening coupled with economic and institutional decline may be explained in part by noting that many of the gains in the 1990s were won in the cities and that the benefits tended to accrue to the urban well-to-do and the highly educated. Civil society organizations that receive donor assistance are usually urban and professionally based. The print media may find itself more vocal but rural areas are still only served by the government-owned Kenya Broadcasting Corporation radio. Although major constitutional reforms were accomplished in the 1997 IPPG agreement, its implementation has been uneven at best in rural areas, where the power of the provincial administration out of the office of the president remains strong and often unregenerate.

The reforms of the last decade affected society so unevenly that, as Edward Oyugi has pointed out, one can almost speak of two polities, the urban and the rural. Although the reforms will have to be continually defended and expanded, the new frontier of reform politics will be in the countryside. The hierarchical path of reform initiative from the top down also requires attention. While useful reforms and openings may occur from above, the question remains whether reforms will take root and find a popular base. In other words, an expansion of the democratic principle within and without government may be as much a prerequisite as a product of governance reform. But even with a new president and a new regime, will there be sufficient popular cohesion and organization to put forward and hold accountable the politicians and civil servants who will sustain new systems, anticorruption initiatives, and the like?

Reform from above may not be enough. But that observation raises the question of social class dynamics in any prospect of popularly based mobilization for change. The urban middle class's fear of the so-called uncivil sector of the poor and the young means that elements of the middle class who lead most urban and formal civil society organizations are sometimes willing to look away from harsh crackdowns on groups like Mungiki that may quarrel with some of the values and identities of the middle class. The middle class and the major donor embassies have long been uneasy with civil society activists that threaten "mass action." While that anxiety is not entirely misplaced, it is the targeted, often "privatized," violence directed by the regime, or regime-allied figures, that inflicts the greatest pain and property damage. Ironically, as the political situation deteriorates and disciplined popular mobilization is required for reform to occur, the social disarray and class-based tension associated with the deteriorating situation militates against popular mobilization and the long-run policy that can deal with spreading poverty and loss of hope.